

Amendment No. _____

Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 513*

House Bill No. 471

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Tennessee Landowner Bill of Rights."

SECTION 2. Tennessee Code Annotated, Title 66, is amended by adding the following as a new chapter:

66-38-101. Findings; purpose and intent.

The general assembly finds that:

(1) The right to own and use private property is a fundamental right, essential to the continued vitality of a democratic society;

(2) Governmental regulation of the use and development of property must be carried out in a manner that appropriately balances the needs of the public with the rights and legitimate expectations of the landowner;

(3) The takings clause of the Fifth Amendment of the United States Constitution and Article I, Section 21 of the Tennessee Constitution both prohibit the taking of private property for public use without just compensation;

(4) The Tennessee supreme court held in *Phillips v. Montgomery County*, 442 S.W.3d 233 (2014) that article I, section 21 of the Tennessee Constitution should be interpreted in the same manner as the takings clause of the Fifth Amendment of the United States Constitution;

(5) An individual private property owner should not be required, as a condition of a land use approval or issuance of a development permit of any kind,



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to bear the financial burden of public improvements that are not directly related to the development of that specific property;

(6) County and municipal governments in in this state are authorized by state law to enact and amend zoning ordinances by a majority vote. Requiring a supermajority vote for zoning ordinances in counties with a metropolitan form of government for which the planning commission recommends disapproval is inconsistent with how other cities and counties in this state are treated; and

(7) The fair, consistent, and reasonable treatment of landowners regarding the use and development of their property, whether located in a municipality, county, or metropolitan form of government is a matter of statewide concern.

66-38-102. Definitions.

As used in this chapter:

(1) "Approval" means a permit or authorization issued by a metropolitan government for the use or development of property, including, but not limited to, the following:

- (A) A change in land use category or zoning;
- (B) Approval of a site plan or development plan;
- (C) A use and occupancy permit;
- (D) A grading permit;
- (E) A foundation permit;
- (F) A building permit;
- (G) An electrical permit;
- (H) A permit to access a water or sewer utility operated by a metropolitan government; and
- (I) A stormwater permit;

(2) "Essential nexus" means a relationship or connection between a landowner's use or development of their property and a burden that is placed upon a metropolitan government's resources or infrastructure as a result;

(3) "Landowner" means the owner of a parcel of property within this state for which the landowner, or someone in privity of contract with the landowner, is seeking approval from a metropolitan government to use or develop the property;

(4) "Metropolitan government" means a county having a metropolitan form of government; and

(5) "Roughly proportional" means that the amount of the dedication of an interest in real property or required monetary payment to a metropolitan government must be proportional to the development's anticipated impacts on a metropolitan government's services and infrastructure, including, but not limited to, roads, sidewalks, water and sewer infrastructure, and stormwater infrastructure resulting from the proposed use or development of property.

66-38-103. Restrictions on a metropolitan government's approval authority.

(a) In exercising a power related to the approval of the use or development of property, a metropolitan government shall not require a landowner to dedicate a real property interest to the metropolitan government, or to pay money to the metropolitan government in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest, and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property.

(b) If a metropolitan government requires a landowner to dedicate a real property interest or pay money as a condition for approval, the metropolitan government shall, upon the written request of the landowner, provide the landowner a written explanation, within ten (10) days of the request, regarding the essential nexus of the

dedication of property or payment and how it is roughly proportional to the proposed use or development of the property.

(c) If a landowner is not satisfied with the written explanation from a metropolitan government regarding the required dedication or monetary payment, the landowner may seek relief through a common law writ of certiorari in chancery court.

(d) If a landowner prevails against a metropolitan government in such an action, the landowner is entitled to recover damages from the metropolitan government, as well as reasonable attorney fees and court costs. The measure of damages may include, but not be limited to, the following:

(1) The value of the required dedication that does not meet the essential nexus and rough proportionality tests provided in this chapter;

(2) The amount of the monetary payment paid plus interest at the rate of ten percent (10%) per annum;

(3) The value of lost sales due to a delay in approval; and

(4) Reimbursement for increased development and financing costs related to a delay in approval, such as an increase in the costs of materials and financing cost increases.

(e) This section does not apply to a dedication, assessment, fee, or charge that is imposed on a broad class of property owners by a metropolitan government, including lawfully enacted impact fees and adequate facilities taxes.

SECTION 3. Tennessee Code Annotated, Title 7, is amended by adding the following as a new chapter:

7-70-101. Findings; declaration of purpose.

The general assembly finds, determines, and declares that:

(1) This state encourages private economic investment and opportunities throughout the state;

(2) Businesses should have the freedom to choose which philanthropic organizations they want to support;

(3) Requiring or conditioning metropolitan government approvals, explicitly or implicitly, upon a private individual or entity contracting with another non-government entity to provide certain community benefits is a violation of public policy and should be prohibited; and

(4) Prohibiting certain community benefits agreement requirements is a matter of statewide concern, and, therefore, this chapter applies equally to all metropolitan governments and metropolitan government officials.

7-70-102. Definitions.

As used in this chapter:

(1) "Community benefits agreement" means an agreement or understanding of any type between a private entity and an organization that contractually binds the private entity to fund or provide specific attributes, services or amenities, or mitigations, or anything else of value whatsoever to a metropolitan government or organization; that establishes employment criteria of any type or form, including wage and hour criteria; or that provides for or requires the private entity to utilize a trade union or other unionized workforce where the employees collectively bargain with employers for wages, hours, or working conditions;

(2) "Metropolitan government" means a county having a metropolitan form of government;

(3) "Official" means an agent, employee, or an elected or appointed official of a metropolitan government;

(4) "Organization" means a non-governmental entity of any type, including, but not limited to, nonprofit corporations, organizations, clubs, associations, or groups; and

(5) "Private entity" means a private individual, company, developer, business, property owner, or any other non-government entity.

7-70-103. Community benefits agreements prohibited by public policy.

(a) A metropolitan government or official shall not condition a metropolitan government's or official's approval of a contract, legislation, or the issuance of a permit, approval, authorization, or other entitlement of any type upon the private entity being a party to a community benefits agreement.

(b) A metropolitan government or official shall not discriminate against or offer preferential treatment to a private entity based, either implicitly or explicitly, upon the private entity being a party to a community benefits agreement.

SECTION 4. Tennessee Code Annotated, Section 13-4-303, is amended by adding the following as a new subsection:

(e)

(1) Before adoption of subdivision regulations for a metropolitan government or any amendment thereof, the metropolitan planning commission shall hold a public hearing on the regulations or amendment. Notice of the time and place of the public hearing must be published in a newspaper of general circulation within the area of the metropolitan government at least thirty (30) days before the public hearing.

(2) The adoption of new subdivision regulations or an amendment to existing subdivision regulations proposed by a metropolitan planning commission is not effective until approved by an ordinance of the metropolitan council.

(3) All existing metropolitan government subdivision regulations in effect as of the effective date of this act must be ratified by an ordinance of the metropolitan council within one (1) year from the effective date of this act. If the metropolitan council fails to ratify the existing subdivision regulations within one (1) year from the effective date of this act, the subdivision regulations that were in

effect on January 1, 2023, govern the subdivision of land within the area of the metropolitan government until such time as the existing subdivision regulations are so ratified.

SECTION 5. Tennessee Code Annotated, Section 13-4-304, is amended by adding the following as a new subsection:

(e) In deciding whether to approve a subdivision plat within the area of a metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not base its decision, in whole or in part, upon the general plan adopted pursuant to § 13-4-202.

SECTION 6. Tennessee Code Annotated, Section 13-3-404, is amended by adding the following new subsection (c):

(c) In deciding whether to approve a subdivision plat within the area of the metropolitan government, the metropolitan planning commission shall base its decision solely upon compliance with the subdivision regulations and the applicable zoning ordinance. The metropolitan planning commission shall not base its decision, in whole or in part, upon the regional plan adopted pursuant to § 13-3-303.

SECTION 7. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

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AMEND Senate Bill No. 1334

House Bill No. 1192*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 23, Part 1, is amended by adding the following new section:

(a) The agency may provide for the construction, maintenance, and funding, for up to two (2) years of services, for a sanctioned camping site for individuals lacking a stable home. The campsites must allow individuals to camp and store personal property, or must provide small-unit shelters housing no more than two (2) individuals. The campsites must be secure and provide access to electricity, potable water, showers, and bathroom facilities. Such campsites must limit occupation to no more than two (2) consecutive years unless there are extenuating circumstances. A public or private operator of such a campsite is immune from liability from the acts of individuals residing on the site except in cases of gross negligence. If the agency determines that extenuating circumstances justify occupation by an individual for more than two (2) consecutive years, services must continue to be provided to the individual during the extended period.

(b) The agency may provide for pay-for-performance contracts for individuals lacking a stable home for up to two (2) years. The contracts must assist such individuals with substance use, mental health treatment, and other similar services, including short-term housing support. The agency shall provide up to twenty-five percent (25%) of the base allocation of such contracts as performance payments to the contracting individual or group of individuals that can meet pre-defined goals for reducing the amount of days



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such individual or group is unhoused, in jail or prison, or hospitalized. If a public entity other than the agency maintains data that may assist the agency with evaluating pay-for-performance contracts executed under this subsection (b), then the entity shall provide access to such data to the agency upon request.

(c) Agency funds, or federal funds received by the agency for which there are not explicit requirements for such uses under federal law or regulation, must not be used to construct permanent supportive housing for the homeless, but may be used for the programs set forth under subsections (a) and (b).

(d) The agency shall prioritize the use of awards, including awards from the housing trust fund created pursuant to § 13-23-501, for programs established under subsections (a) and (b) in those counties that have an above-average level of unsheltered homeless individuals per capita, as calculated by the most recent federal decennial census and the most recent point-in-time count of homelessness required by the United States department of housing and urban development.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

House Property & Planning Subcommittee Am. #1

Amendment No. _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 554*

House Bill No. 781

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8)(B), is amended by deleting subdivision (i) and substituting:

(i) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government shall adopt the requirements by either ordinance or resolution, as appropriate. Mandatory sprinkler requirements may be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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AMEND Senate Bill No. 207

House Bill No. 254*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-702, is amended by deleting the language "twenty-seven thousand dollars (\$27,000)" wherever it appears and substituting instead the language "forty thousand dollars (\$40,000)".

SECTION 2. Tennessee Code Annotated, Section 67-5-702(a)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2025".

SECTION 3. Tennessee Code Annotated, Section 67-5-703, is amended by deleting the language "twenty-seven thousand dollars (\$27,000)" wherever it appears and substituting instead the language "forty thousand dollars (\$40,000)".

SECTION 4. Tennessee Code Annotated, Section 67-5-703(a)(3)(B), is amended by deleting the language "tax year 2018" and substituting instead the language "tax year 2025".

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it, and applies to tax years beginning on or after that date.



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AMEND Senate Bill No. 711*

House Bill No. 898

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-5-1005(a), is amended by adding a new subdivision (4):

(4) In determining whether land is agricultural land, the assessor of property shall take into account whether the land is enrolled in a conservation program administered by the United States department of agriculture, whether the land is in a conservation easement as defined by § 66-9-303, or whether the land is restricted by § 68-212-225, if, at the time of its enrollment, the land was classified as agricultural land by the assessor of property.

SECTION 2. Tennessee Code Annotated, Section 67-5-1006(b), is amended by adding a new subdivision (3):

(3) In determining whether land is forest land, the assessor of property shall take into account whether the land is enrolled in a conservation program administered by the United States department of agriculture, whether the land is in a conservation easement as defined by § 66-9-303, or whether the land is restricted by § 68-212-225, if, at the time of its enrollment, the land was classified as forest land by the assessor of property.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.



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AMEND Senate Bill No. 397

House Bill No. 33*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 5, Part 6, is amended by adding the following new section:

(a) Countywide emergency response frameworks must include assessors of property at the option of an assessor to monitor events related to disasters or emergencies that have affected or have the potential to affect the condition of real or tangible personal property within individual assessors' jurisdictions.

(b) Assessors of property and county emergency management officials shall coordinate when their respective jurisdictions conduct joint preliminary damage assessments. Final copies of joint preliminary damage assessments must be made available to assessors upon request.

(c) Assessors of property, through coordination with county emergency management officials, have unrestricted rights in the performance of official duties to enter and inspect property within disaster areas to include all property having been affected or potentially affected by disaster or other related events.

SECTION 2. Tennessee Code Annotated, Section 67-5-303(a), is amended by adding the following new subdivision:

(4) All records held, maintained, or created by county and municipal public agencies must be made available to assessors of property for the purposes of property valuation and all other official duties.

SECTION 3. Tennessee Code Annotated, Section 67-5-603, is amended by adding the



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following new subsection:

(d) In the case of damage as a result of a disaster declared by the president of the United States, the annual assessment of an affected building or improvement in a county included in the presidential declaration must be prorated as otherwise provided in subsection (a), for the actual time the building or improvement is destroyed and not replaced, or the actual time the building or improvement is substantially damaged, notwithstanding the building or improvement is restored or replaced by September 1; provided, the total time the building or improvement is destroyed or damaged and not replaced or restored, exceeds thirty (30) days. The owner must apply for this relief to the assessor of property by September 1 using a form approved by the director of the state division of property assessments. This subsection (d) shall not take effect as to any particular county or municipality unless approved by a two-thirds (2/3) vote of its governing body following the disaster being declared by the president of the United States.

SECTION 4. Tennessee Code Annotated, Section 67-5-606, is amended by adding the following new subsection:

() In the case of damage as a result of a disaster declared by the president of the United States, the annual assessment of commercial and industrial tangible personal property that is destroyed, demolished, or substantially damaged as a result of being located in a county included in the presidential declaration shall be prorated as otherwise provided in subsection (a), for the actual time the qualifying personal property is not replaced or restored notwithstanding that such personal property is replaced or restored by September 1, if the total time the qualifying personal property is not replaced or restored exceeds thirty (30) days. The owner must apply for this relief to the assessor of property by September 1 of the following year using a form approved by the director of the state division of property assessments. The owner shall provide the assessor of

property a listing of the destroyed, demolished, or substantially damaged personal property for which the proration is sought. This subsection (c) shall not take effect as to any particular county or municipality unless approved by a two-thirds (2/3) vote of its governing body following the disaster being declared by the president of the United States.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.

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AMEND Senate Bill No. 1192

House Bill No. 1209*

by deleting all language after the enacting clause and substituting instead:

SECTION 1.

(a) There is created a property tax study committee to study property tax rates; methods of valuing and appraising property for purposes of levying property taxes; and policies and methods regarding statutory limits on tax increases, including an evaluation of such policies and methods and any expected effects in the short-term and long-term.

The committee will consist of ten (10) members as follows:

(1) Five (5) members of the senate, to be appointed by the speaker of the senate; and

(2) Five (5) members of the house of representatives to be appointed by the speaker of the house of representatives.

(b) The committee must choose as chair and vice chair committee members from the general assembly.

(c) The committee must study the current method of valuing and appraising property for purposes of levying residential property taxes in this state and similarly situated states. The committee must also study examples of states that have enacted limits on property tax increases, including, but not limited to, creating a statewide property tax rate, capping rate increases at a certain percent, or locking in property values to the purchase price or the market value at time of transfer or material improvement to the property. The study must include:



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(1) A review of Article II, Section 28 of the Constitution of Tennessee, and relevant provisions of Tennessee Code Annotated, Title 67, Chapter 5, and other applicable state law, and any legal implications or obstacles regarding changes to property tax laws in this state;

(2) A comparison of the structure of property taxes in similarly situated states and states that have enacted limits on property tax increases, including, but not limited to, creating a statewide property tax rate, capping rate increases at a certain percent, or locking in property values to the purchase price or the market value at time of transfer or material improvement to the property, including, but not limited to, California's Proposition 13, which was adopted by voters in 1978;

(3) Economic and fiscal effects of the current property tax structure on taxpayers and local governments and the reasonably anticipated impacts proposed changes, or other states' structures if applied, will have on taxpayers and local governments, and those impacts in the short-term and long-term; and

(4) Ancillary or collateral effects that may be reasonably anticipated to result from a change to the current property tax structure or as seen in other states, particularly in those that have enacted limits on property tax increases in some form or another, including impacts to housing inventory or homeowner mobility.

(d) The committee shall report its findings on or before February 1, 2024, and may in that report provide any legislative recommendations the committee finds appropriate.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.